

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

SHARON D. MABON MILLS,

Plaintiff,

v.

MEMPHIS LIGHT GAS & WATER,

Defendant.

)
)
)
)
)
)
)

No. 2:23-cv-2264-SHL-atc

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
COMPLAINT WITHOUT PREJUDICE FOR INSUFFICIENT SERVICE**

Before the Court is Magistrate Judge Annie T. Christoff's Report and Recommendation ("R&R"), recommending that the Court dismiss Plaintiff Sharon D. Mabon Mills' pro se Complaint (ECF No. 1), without prejudice. (ECF No. 9 at PageID 21.)

A magistrate judge may submit to a district court judge proposed findings of fact and recommendations that assist in the disposition of pretrial matters. 28 U.S.C. § 636(b)(1)(A)–(B). Parties can file objections to the proposed findings and recommendations "[w]ithin 14 days after being served with a copy of the recommended disposition." Fed. R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1)(C). A district court reviews de novo only those proposed findings of fact or conclusions of law to which a party specifically objects; the rest are reviewed for clear error. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b) advisory committee notes.

Plaintiff Sharon D. Mabon Mills' deadline to object to the R&R was December 4, 2023, and no objections have been filed. The Court has therefore reviewed the R&R in its entirety for clear error and finds none. The R&R properly describes how Ms. Mills has failed to file proof of

service and also failed to respond to the Magistrate Judge's show cause order. In fact, there has been zero communication with the Court and no activity at all on the docket since Ms. Mills filed her pro se Complaint on May 1, 2023. (ECF No. 1.) Because Ms. Mills has run afoul of the proof of service requirements within Federal Rule of Civil Procedure 4(m), this Court is well within its authority to dismiss her Complaint without prejudice. Therefore, the Court **ADOPTS** the Magistrate Judge's R&R and **DISMISSES** Ms. Mills' Complaint **WITHOUT PREJUDICE**.

IT IS SO ORDERED, this 8th day of December, 2023.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE